

CONFLUENCE WMA STORY

By Craig Bihrlé

There is only one place where the Missouri and Yellowstone rivers come together.

It's here, on the edge of northwestern North Dakota's McKenzie County, where you can beach a boat, or take a long hike from the nearest parking place, straddle the outermost tip of Ochs Point Wildlife Management Area, and dunk your left hand in the Missouri and your right in the Yellowstone, while at the same time contemplating the undulating line of disturbance in the water created by the two rivers pushing and shoving against each other.

Several hundred yards off to the northeast, along the shoreline of the Neu's Point WMA, the Missouri River overpowers the Yellowstone and continues its journey to the east.

For many thousands of years, since retreat of the last glaciers, the Missouri-Yellowstone confluence has existed in roughly this spot, now a few miles inside the North Dakota border with Montana. It's been that long since glaciers redirected the Missouri from its northerly route to Hudson Bay in Canada, to the south and through western and central North Dakota toward its eventual joining with the Mississippi.

Ever since humans discovered the Missouri-Yellowstone confluence, it has been a crossroads for activity. For hundreds of years it was a gathering spot for native peoples moving up and down the two rivers to live and trade. Lewis and Clark passed by and made significant notes about this place on their way to the Pacific Ocean, and thence rendezvoused near here on their return – Clark and his crew floating down the Yellowstone, while Lewis went downstream on the Missouri.

Fur companies, and later the U.S. Army, established two forts here, the remnants and reconstructions of which are a present-day history buff's hallowed ground.

This joining of two rivers, however, is much more than a historical site. The 400 and some miles of Yellowstone is the longest stretch of unregulated major river remaining in the



United States. Because of that, it is a primary sanctuary for several fish species, including the endangered pallid sturgeon, which evolved during a time when all the continent's rivers were unregulated by man. The Yellowstone is also an important spawning ground for paddlefish, a species whose population has diminished to a point that biologists from both North Dakota and Montana are carefully monitoring and restricting annual harvest.

Sandbars that form at the confluence and farther up the Missouri and Yellowstone are important breeding habitat for the threatened least tern and piping plover. The sandbars and river shoreline are also popular fishing spots, especially during the spring paddlefish snagging season.

Above the sandbars and shoreline around the confluence is pristine cottonwood forest, with some trees that likely witnessed the Corps of Discovery's passage 200 years ago.

This stretch of riverbottom also provides prime deer and turkey habitat equal to the best found anywhere in the state. All together, many wildlife and fisheries professionals consider the confluence area as biologically the most important piece of real estate in North Dakota.

So it's not a surprise that when the Ochs family, which owned the land on the west side of the Yellowstone where it meets the Missouri; and the Neu family, which owned the land on the east side of the Yellowstone where it meets the Missouri, expressed interest in selling their properties, it attracted considerable attention from many agencies and organizations.

Trouble was, this is the confluence of two major rivers, and the two properties also contained some Yellowstone Valley fertile farmland. The property values were way above what any one prospective public buyer could afford.

Thus began probably the most complex land purchase, with the most diverse partnership, in North Dakota history. It was a land deal that Williston's Greg Hennessy, speaking at the dedication of the Ochs Point and Neu's Point wildlife management areas held in April, said involved "more red tape than (President Thomas) Jefferson had in buying the entire Louisiana Purchase."



In the end, however, because of willing landowners who were patient enough to allow time for everything to fall into place, the state has two new WMAs – about 500 acres at Neu's Point, and 1,000 acres at Ochs Point – that preserve the edges of the confluence. The land's titles and management responsibilities will rest with the North Dakota Game and Fish Department, but the benefits to preserving this land go well beyond the hunters and anglers who will likely use it the most.

A Long Process

The dedication in April, held at the State Historical Society's new Missouri-Yellowstone Confluence Interpretive Center at Fort Buford, brought closure to a process that began nearly five years ago. It started with staff and supporters of Fort Union Trading Post, a national historic site located two miles up the Missouri River from the confluence, wondering whether it might be possible to purchase some kind of easement from local landowners that would preserve the view from the park in its natural state. As discussions on possible easements were continuing, landowners Tim Neu and Ed and Tom Ochs coincidentally expressed interest

in selling their properties.

That started a chain reaction of activity from people representing a variety of groups, organizations and agencies that recognized long-term value in potential public ownership in these two pieces of biologically crucial and historically significant real estate.

Outright purchase, however, at first seemed an improbable task. No one partner had anywhere near the kind of money needed. In time, as ideas and possibilities became commitments over the course of a couple of years, the project became a reality. In all, 15 agencies, groups and organizations contributed money and services to reach the final sale price for the two properties of nearly \$3 million.

"Each party that invested came away with a \$2.9 million property," remarked Ken Sambor, the Game and Fish Department's North American Waterfowl Management Plan coordinator, "but nobody had to invest \$2.9 million alone."

The biggest single financial contributor was the U.S. Department of Agriculture's Natural Resources Conservation Service. Threatened and endangered species habitat, plus the opportunity to restore or enhance more than 100 acres of degraded riparian

wetlands, prompted the NRCS to qualify the properties for its Wetland Reserve Program.

The WRP is a voluntary program for people who want to restore, enhance or create wetlands and develop wildlife habitat on private lands. In North Dakota, it offers 30-year conservation easements that enables wildlife habitat development, and provides technical assistance and cost-sharing for restoration of wetland and upland habitats.

"We provide the incentives to do conservation," says Jennifer Heglund, assistant state conservationist at the NRCS North Dakota state office in Bismarck.

The incentive in this case is the 30-year easements on the properties that contributed about one-third of the final purchase price. Even without a partnership, if the NRCS had worked individually with the Ochs and Neu families, the easements and habitat restoration and development would have been a great project, Heglund said. "The landowners would have been happy. We'd have been happy."

"What the partnership brought ... was all the things that could be done together for good conservation in North Dakota."

The area's wetland and riparian habitat value also attracted interest from the North

DEDICATING A LAND DEAL

Comments from Speakers at the Ochs-Neu WMA Dedication



North Dakota Governor John Hoeven

"You can really imagine that Lewis and Clark and the Corps of Discovery were here 200 years ago. What a great opportunity we will have, not only now, but forevermore, to see what they saw."

Details: The North Dakota governor, by state law, must approve all sales of private land to nonprofit conservation organizations or state or federal natural resource agencies.



Greg Hennessy, Friends of Fort Union/Fort Buford

"We have gotten a great job done. We have done a good thing, and we have done it all together, willing seller and willing buyer."

American Wetlands Conservation Council, which administers grant monies for the North American Waterfowl Conservation Act. NAWCA and NAWCC are both part of the North American Waterfowl Management Plan, which directs dollars and manpower to projects across the country that will benefit waterfowl and other migratory birds. NAWCA grants for each property accounted for the second largest financial contribution to the project.

The opportunity to apply for a NAWCA grant was what started pulling many other funding partners together, Sambor said. These grants require nonfederal matching dollars – such as from state agencies or private organizations. In all, 14 contributors were eventually listed on the grant application. “This strong partnership and high resource value were the reasons it was successful in the highly competitive NAWCA grant process.”

In addition to the nonfederal partners, the U.S. Fish and Wildlife Service, because of the confluence’s importance not only to endangered pallid sturgeon, but also to least terns and piping plovers, authorized a “Section 6”

grant. This program is designed specifically to assist endangered species habitat and conservation.

No partnership can exist without some kind of coordination, and for the confluence WMA project, that role was primarily assumed by the North Dakota Natural Resources Trust. The trust, formerly called the North Dakota Wetlands Trust, was created under the Garrison Diversion Reformulation Act of 1986, and expanded in 2000, with a mission to preserve, restore, manage and enhance wetlands, grasslands, riparian areas and associated wildlife habitat in North Dakota.

All of those habitat features are wrapped up in the confluence WMA project, and trust Executive Director Keith Trego says his organization was fortunate to be involved. “This project includes one of the few major river confluences remaining in the country that has not been spoiled by development,” Trego said, “and it has so many other values that the public really embraces.”

The trust has helped coordinate other public land acquisitions in North Dakota, but none quite so complex, involving so many partners, as this one. “These opportunities come about because landowners seek us

out,” Trego said. “In this case, they (the landowners) had more than a passing interest in their property being part of a public project.”

The trust did have a lot of help. Greg Hennessy, a Williston lawyer and avid hunter, angler and history patron, helped build support within local groups such as the Friends of Fort Union/Fort Buford, North Star Caviar, and wildlife and fishing clubs. Political support from local groups was vital to seeing the project through, Hennessy said, as was their financial contributions that helped meet requirements for matching funds necessary to qualify for some of the federal money.

“Preserving that historic landscape as it was when Lewis and Clark arrived in April 1805, and also preserving public hunting and fishing access,” Hennessy said, “... is a one of a kind opportunity that we grabbed and made something good out of it. I’m very proud of what all of us managed to accomplish.”

One of the more complex aspects of that accomplishment was determining which of the many partners would actually buy the land and then transfer title and management responsibility over to the Game and Fish Department.



Gates Watson, The Conservation Fund

“I think all you have to do is look across the river to get a sense of how special this place is, that it will forever be as it is now, a place for the public to enjoy, for wildlife, for recreationists, just a wonderful place.”

Details: The Conservation Fund, a national nonprofit organization that helps partnership groups protect primarily greenway or historic places, was instrumental in helping work out the real estate deal with the landowners. The fund also helped with fundraising, land negotiation and legal services.



Pete Ressler (left), American Foundation for Wildlife

(passing ceremonial deed to the properties to Roger Rostvet, North Dakota Game and Fish Department deputy director)

“When you look across here, and you see this beautiful land ... and realize that 200 years ago Lewis and Clark saw the same thing ... my goal has always been, I didn’t want to see somebody ... come along and commercialize this property, so right now I’ve got a feeling that 200 years from now, who’s ever standing here is going to see the same thing that we’re looking at today.”

Details: The American Foundation for Wildlife is one of five nonprofit conservation organizations allowed to purchase private land in North Dakota. It acted as sort of an intermediary in the partnership. The AFW was the actual purchaser of the Neu’s Point WMA and has transferred title to the Game and Fish Department. The AFW also purchased the Ochs’ property and should transfer title to the Game and Fish Department within the next couple of months.

That role fell to the American Foundation for Wildlife, one of the five nonprofit organizations allowed by state law to purchase land from private landowners for conservation purposes. The AFW first purchased the Neu property, and transferred title to Game and Fish after easement payments and grant monies came in.

As of July 1, 2005, AFW is still technically the title holder of the Ochs property. When all payments are satisfied, title will transfer to Game and Fish, most likely within the next few months. Until that happens, the former Ochs property is under a Game and Fish private lands contract, so anyone traveling to the Ochs Point WMA may see the triangular PLOTS signs instead of rectangular wildlife management area signs.

Managing the Future

Now that the paperwork is mostly complete, the on-the-ground work is well under way. The job of improving the area for wildlife falls to Kent Luttschwager, Game and Fish wildlife resource management supervisor at the Department's Williston district office. Fortunately, Mother Nature and the previous landowners kept the two areas in pretty decent shape.

The river edges are lined with mature cottonwood forest that already is ideal habitat for white-tailed deer, turkeys, and many kinds of nongame birds.

The cottonwoods, when they topple into the water after the current eats away at the

bank, also create backwater and slack habitat for fish. That's part of the beauty of the confluence area, Luttschwager said. The confluence is, ever-so-slowly, shifting around, with young cottonwoods sprouting up on sandbars that will eventually replace the matriarchs that may have been seedlings themselves about the time that Lewis and Clark passed by.

While Missouri River cottonwood forest between Garrison Dam and Bismarck is slowly dying out because regulated river flows prevent widespread cottonwood regeneration, at the confluence, periodic flooding still occurs, which benefits the trees' life cycle.

While the cottonwood forest will be mostly left alone, much work remains to convert a couple hundred acres of cropland that was part of the purchase, into grassland habitat.

"The Yellowstone Valley is intensively farmed," Luttschwager said, and because of that, little grassland is available for upland nesting birds like pheasants and ducks. Establishing that grassland is a priority, as is restoration of wetlands, both in former cropland and in riverine backwaters, that should provide excellent breeding habitat for ducks in spring.

Come this fall, Luttschwager says, hunters can access "... as prime of whitetail hunting land that is available anywhere in North Dakota." Hunting pressure could be high at

times, Luttschwager added, but that should only be a small inconvenience to people who did not previously have an opportunity to hunt these lands at all.

For many years, the Ochs and Neu tracts were leased to commercial interests for deer hunting purposes. If the sale to public agencies had not taken place, the land might well have been purchased by private out-of-state entities, and if that would have happened, Luttschwager warned, "There was a really strong chance that no one from North Dakota would ever set foot on that property (for hunting) again."

Now that Game and Fish owns the properties, public access is assured, but it won't be a free-for-all, either. Hunters and anglers can park at designated areas on the south sides of the properties, or beach a boat along the river shorelines, but from there it's walking-access only.

The Department is still undecided about allowing vehicle travel on a designated trail in winter on the west side of the Yellowstone River, to allow for ice fishing access. "We're not interested in having a lot of winter disturbance down there," Luttschwager said, but Game and Fish is also aware of the safety concerns that would exist if people tried to cross the confluence from the north side. Previously, the Ochs family had allowed winter anglers to cross their land to get to the mouth of the Yellowstone. A decision on win-



ter access will be made in the near future.

As with most other state wildlife management areas, Neu's Point and Ochs' Point will be open to primitive camping under standard WMA regulations, but there won't be any designated or maintained camping areas.

"It will be there for a very pristine and self-reliant adventure," the Game and Fish Department's Sambor said, "the way I think it should be."

That's the way it was for Lewis and Clark 200 years ago, and the way it will remain 100 and more years from now.

CRAIG BIHRLE is the Game and Fish Department's communications supervisor.



The agencies, organizations and individuals listed below contributed funds, manpower or both to make the Missouri-Yellowstone confluence property acquisition a reality.

USDA Natural Resources Conservation Service
U.S. Fish and Wildlife Service
North Dakota Game and Fish Department
North American Wetlands Conservation Council
North Dakota Natural Resources Trust
American Foundation for Wildlife
Ochs Brothers
Tim Neu
The Conservation Fund
Northern Great Plains Joint Venture
United Sportsmen, Williston
Friends of Fort Union/Fort Buford
North Star Caviar
Ducks Unlimited
North Dakota Game Wardens Association
Pheasants Forever
Delta Waterfowl Foundation
National Wild Turkey Federation
McKenzie County Commission
Williams County Commission

